Buchalter

Philip Scarborough

Sacramento, California
Senior Counsel

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Areas of Practice & Industry Specialties
Litigation; White Collar & Investigations; Health Care Law

Philip Scarborough is a Senior Counsel in the Firm's Sacramento office and a member of the Litigation practice group, with an emphasis in health care litigation. Mr. Scarborough has handled a broad range of complex litigation matters raising novel issues. He has obtained favorable verdicts in bench trials, jury trials, and arbitrations. He has successfully argued numerous appeals at the Ninth Circuit. Prior to joining the Firm, he was an Assistant United States Attorney for more than seven years in the Civil Division of the United States Attorney's Office for the Eastern District of California and, before that, practiced complex commercial litigation at a large law firm in San Francisco.

Awards and Honors

- Northern California Super Lawyer Rising Star in Civil Litigation Defense

Professional Involvement

- Member, Local Rules Committee, United States District Court for the Eastern District of California
- Programs Committee Co-Chair, Federal Bar Association, Sacramento Chapter

Representative Matters

- Represented Department of Health and Human Services in litigation relating to reimbursement of pension obligation bond costs incurred by county government when performing services that benefit federally funded HHS programs.
- Obtained jury verdict in favor of defendant in employment discrimination case following multi-week jury trial.
- Briefed and argued multiple appeals in Ninth Circuit, including cases raising challenges to environmental laws, issues of sovereign immunity under the Federal Tort Claims Act, and the availability of a cause of action against federal employees sued in their individual capacity for alleged constitutional torts.
- Successfully opposed motion for a preliminary injunction in case bringing First and Fourth Amendment challenges to federal regulations governing falconry.
- Obtained judgment as a matter of law following jury trial for retaliation claims brought by terminated employee.
- Represented a group of foreign investors in bench trial of complex contract dispute relating to earn out provision of cross-border asset purchase agreement.
- Represented detainees held at United States Naval Station at Guantanamo Bay, Cuba, in federal habeas corpus proceedings at district court and through oral argument on appeal.

Publications

- Rules of Decision for Issues Arising Under the Alien Tort Statute, *Columbia Law Review*, March 21, 2007

Presentations

- Panelist, "Tips and Tricks: 30(b)(6) Depositions," Eastern District Conference, October 21, 2022

Education
Mr. Scarborough earned his J.D. from Columbia University School of Law, where he distinguished himself as the Executive Essay and Review Editor at the *Columbia Law Review*. Prior to that, he graduated with honors, *cum laude*, earning his B.A. in Economics and Political Science from Brigham Young University.

Bar Admissions

- California

Court Admissions

- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the D.C. Circuit
- United States Court of Appeals for the Eleventh Circuit
- United States District Court for the Eastern District of California
- United States District Court for the Central District of California
- United States District Court for the Northern District of California
- United States District Court for the Southern District of California
- United States District Court for the District of Columbia